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Attorneys for Defendant
Alex Budiman

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

ALEX BUDIMAN and
JOSE BARAJBAR

Defendants.

Case No. CR-15-00202 JST

**STIPULATION AND [PROPOSED] ORDER
TO AMEND JUDGMENT PURSUANT TO
FEDERAL RULE OF CRIMINAL
PROCEDURE 36**

Defendants.

WHEREAS, on December 16, 2015, the Court entered a judgment against defendant Alex Budiman in the above-referenced criminal case (Dkt. 29);

WHEREAS, the parties agree that in order to clarify the judgment as to Budiman's restitution obligations, the judgment must be amended. On page 5 of the judgment, the restitution payee is identified as the Hartford Fire Insurance Company (the "Hartford") and the restitution ordered refers to the defendant's payment agreement with Hartford Insurance, which requires payments to be made directly to the Hartford. On page 6 of the judgment, the special instructions for the schedule of payments provide that the monetary penalties be made to the Clerk of the U.S. District Court:

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1 WHEREAS, Mr. Budiman entered into a payment agreement with the Hartford in 2014 and
2 began making monthly payments in the amount of \$100 pursuant to that agreement in January 2015,
3 and to facilitate a streamlined process for making restitution payments and in recognition of the fact
4 Mr. Budiman had already begun making payments to the Hartford;

5 WHEREAS, the Government and Mr. Budiman agree that restitution payments ordered by
6 the Court should be made pursuant to and consistent with the payment agreement with the Hartford.
7 Mr. Budiman previously provided a copy of the payment agreement to the Government in
8 conjunction with the plea agreement, and to the Probation Office in conjunction with the presentence
9 report;

10 WHEREAS, on February 2, 2016, counsel for Mr. Budiman was contacted by the Financial
11 Litigation Unit of the United States Attorney's Office regarding the monetary penalties Mr. Budiman
12 was ordered to pay. It became clear during that conversation that there was confusion about
13 restitution payments and the clerical discrepancy in the judgment, and that an amended judgment
14 would be necessary to resolve the inconsistencies between the provisions on page 5 and page 6 of
15 the current Judgment;

16 WHEREFORE, IT IS HEREBY STIPULATED AND AGREED between the Government
17 and Mr. Budiman, and they hereby request, that the Court amend the judgment to state that
18 Mr. Budiman shall pay restitution pursuant to and consistent with the terms of the payment
19 agreement entered into between Mr. Budiman and the Hartford. Counsel for Mr. Budiman consulted
20 with the U.S. Probation Officer assigned to this case and he provided a proposed Amended
21 Judgment for the Court's consideration, a copy of which is attached to this stipulation. The
22 proposed Amended Judgment incorporates the requested change to Page 6, Paragraph F and attaches
23 a copy of the payment agreement. The revised Paragraph F reads as follows:

24 F Special instructions regarding the payment of criminal monetary penalties:

25 The special assessment is due immediately and is payable during
26 imprisonment at the rate of not less than \$25 per quarter and payment shall
27 be through the Bureau of Prisons Inmate Financial Responsibility Program.
28 The defendant shall pay restitution pursuant to and consistent with the terms
of the payment agreement between the defendant and the Hartford Fire
Insurance Company. The defendant shall send proof of his timely restitution
payment to Hartford Fire Insurance Company in the form of a canceled

1 check to the United States Probation Office at 1301 Clay Street, Suite 220S,
2 Oakland, CA 94612 by no later than 14 days after each payment is made.
3 The executed payment agreement is attached hereto and incorporated herein
as Exhibit A.

4 DATED: February 5, 2016

/s/ Wade M. Rhyne

5 WADE M. RHYNE
6 Assistant United States Attorney

7 DATED: February 5, 2016

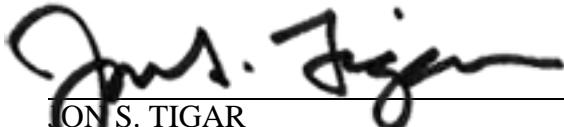
/s/ Jennifer B. Fisher

8 JENNIFER B. FISHER
9 Counsel for Defendant Budiman

10 ATTESTATION: Pursuant to General Order 45, Part X-B, the filer attests that concurrence
11 in the filing of this document has been obtained from the signatories thereto.

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14 **IT IS SO ORDERED.**

15 DATED: February 9, 2016


16 JON S. TIGAR
17 UNITED STATES DISTRICT JUDGE

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